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October 26, 2007

FILED/ACCEPTED

OCT 26 2007

Federal Communications Commission
Office of the Secretary

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Via Hand Delivery

Ms. Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: In the Matter of Advanced Television Systems and their
Impact Upon the Existing Television Broadcast Service
MB Docket No. 87-268

Petition for Reconsideration

Dear Ms. Dortch:

Pursuant to Sections 1.106 and 1.419 of the Commission's rules, please find enclosed an original and four (4) copies of a Petition for Reconsideration filed on behalf of Long Communications, LLC regarding the above-referenced matter.

If you are in need of further information, please do not hesitate to contact us.

Respectfully submitted,



Joseph C. Chautin, III, Esq.
Counsel for Long Communications, LLC

JCC,III:faz
Enclosures

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

In the Matter of)

Advanced Television Systems and their)
Impact Upon the Existing Television)
Broadcast Service)

MB Docket No. 87-268

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OCT 26 2007

Federal Communications Commission
Office of the Secretary

To: The Commission

Petition for Reconsideration

Pursuant to Section 1.106 of the Commission's rules,¹ Long Communications, LLC ("Long") hereby files a Petition for Reconsideration ("Petition") of the *Seventh Report and Order* in the above-captioned proceeding that issued on August 6, 2007, and adopted a post-transition DTV Table of Allotments.² This Petition is timely filed within 30 days of the 7th Report & Order's publication in the Federal Register.³

Background

Long is licensee of WHKY-TV, Hickory, North Carolina. Long operates WHKY on analog channel 14 and has built and is currently operating digital facilities on channel 40 (BLCDT-20060630ABW). In the DTV Table of Allotments adopted August 6, 2007, WHKY-DT's allotment on channel 40 receives interference to 19.1% of its coverage area, ranking it in the top 1.1% of all digital allotments for amount of interference received (top 20 out of 1823

¹ See 47 C.F.R. § 1.106.

² *In re: Advanced Television Systems and their Impact on the Existing Television Broadcast Service*, MB Docket No. 87-268, 7th Report and Order & 8th FNPRM, FCC 07-138 (released August 6, 2007) ("7th Report & Order").

³ See *Advanced Television Systems and Their Impact Upon the Existing Broadcast Service; Proposed Rule and Final Rule*, 72 Fed. Reg. 54719 (Sept. 26, 2007).

allotments).⁴ Based upon engineering calculations, the interference to WHKY-DT is most pronounced to the south east, the most populated region of WHKY-DT's coverage area. A total of nearly 184,000 people will be affected by this interference, but solutions exist now that would limit that total to approximately 66,662, which translates to saving roughly 117,000 people from losing access to WHKY-DT on February 17, 2009. The Commission, acting in the public interest, should reconsider and modify the DTV Table of Allotments so that a loss of service is prevented.

I. Modification of WHKY-DT's allotted digital facilities will avert a loss of service to the public without causing new interference to other allotted facilities.

On reconsideration, Long requests that the FCC modify WHKY-DT's DTV Table of Allotment parameters. Specifically, Long proposes that the DTV Table of Allotments at Appendix B of the 7th Report and Order be modified with respect to WHKY-DT to reflect an ERP of 645 kW, an Antenna ID of 67110, an area of 12259 sq. km, a population of 1095, and interference received of 27.6%.⁵

The proposed modification is limited to only what is reasonably necessary to remove or reduce predicted interference. As the attached Engineering Statement sets forth, it would reduce the amount of received interference from 19.1% to only 6.9%.⁶ As a result, the total number of people receiving interference would be slashed from just under 184,000 to only 66,662, a difference of approximately 117,000. This significant reduction is possible with only minor changes to WHKY-DT's antenna pattern and power. Most important, the requested allotment modification will not increase interference to any other station, and will fully meet the proposed FCC 0.5% interference criteria with respect to all stations, including WMYT-DT, Rock Hill,

⁴ 7th Report & Order, Appendix B.

⁵ See du Treil, Lundin & Rackley, Inc. Engineering Statement, p. 3.

SC.⁷

II. The proposed modification comports with the Commission's revised public interest focus.

In the *Third DTV Periodic Review NPRM*, the Commission announced that Congress' hard deadline for termination of analog television service required a completely different balancing of the public interest to ensure post-transition access to digital television as opposed to ensuring pre-transition analog and digital service.⁸ Such balancing is appropriate here. A grant of Long's petition is fully consistent with the Commission's digital television public interest objective "to permit broadcasters to reach with digital service the audiences they have been serving with analog service so that viewers will continue to have access to the stations that they are accustomed to receiving over the air."⁹

As the supporting engineering statement demonstrates, modifying WHKY-DT's allotted facilities will substantially decrease the number of people that would otherwise lose reception of WHKY-DT on February 17, 2009, fulfilling the FCC's and Congress' digital transition overriding objective to preserve service to the public.

⁶ Engineering Statement, p. 2.

⁷ Long filed comments in response to the FCC's *Third DTV Periodic Review NPRM* proposing that the FCC permit WHKY to build larger facilities to reduce the interference. In response, WMTY-DT filed comments asserting that it would oppose any WHKY-DT modification that increased interference to its allotted facilities. WHKY-DT's petition fully protects the WMTY-DT allotted facilities. See Engineering Statement, p.2.

⁸ *Third DTV Periodic Review NPRM*, ¶ 54.

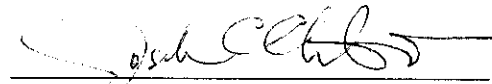
⁹ *Id.* at ¶ 67.

III. Conclusion.

Long respectfully requests that the Commission grant this Petition for Reconsideration to ensure that the public can continue to receive television service from WHKY-DT after February 17, 2009.

Respectfully submitted:

Long Communications, LLC



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Wayne Stewart, Esq.

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Counsel for Long Communications, LLC

Dated: October 26, 2007

ENGINEERING STATEMENT
IN SUPPORT OF PETITION FOR RECONSIDERATION
LONG COMMUNICATIONS, LLC.
TELEVISION STATION WHKY-DT
HICKORY, NORTH CAROLINA
MB DOCKET NO. 87-268

The WHKY-DT allotment facility is listed in Appendix B of the FCC's recently released Seventh Report and Order and Eighth Further Notice of Proposed Rule Making (FCC 07-137, Released on August 6, 2007) as subject to predicted interference of 19.1%. This level of interference places the WHKY-DT allotment facility within the top 1.1% of digital allotments subject to interference of 19.1% or greater (20 out of 1823 allotments). A solution has been developed that will help to mitigate the interference to the WHKY-DT allotment.

The WHKY-DT allotment facility is for a maximum ERP of 600 kW on Channel 40 near Hickory. A summary sheet of the parameters of the WHKY-DT allotment is included herein at Figure 1. Due to the interference protection requirements prevailing on the WHKY-DT facility on Channel 40 during the pre-transitional period, it was required to employ a directional antenna that is oriented to the northwest as indicated in Figure 1.

WHKY-TV is licensed for analog operation on Channel 14 with a "peanut" directional antenna oriented with major lobes approximately northwest and southeast with a maximum effective radiated power (ERP) of 2000 kW. The antenna radiation center is located at a height of 497 m AMSL and 182 m HAAT. Figure 2 is a summary sheet of the parameters of the WHKY-TV facility based on the FCC's engineering database.

Long proposes that the WHKY-DT facility be permitted to operate with the same directional antenna shape as now authorized for its analog facility and to

employ a maximum DTV ERP of 645 kW. The specifications of the proposed facility are summarized at Figure 3 herein. The purpose of this is to build a post-transition DTV facility that will more closely replicate its present analog service area and the area to which its viewers are now accustomed. Furthermore, it has been determined that such a proposal will significantly mitigate the predicted interference that would now exist within its present allotment footprint from 19.1% to 6.9%. This occurs by essentially shifting the predicted interference further away from the WHKY-DT coverage footprint.

An interference analysis was conducted on the proposed WHKY-DT facility and it was determined that the proposal will meet the proposed FCC 0.5% criteria with respect to all stations, including WMYT-DT, Rock Hill, SC.*

The predicted interference to the WHKY-DT allotment facility is shown on a map included herein at Figure 4. The source of the interference is from the WMYT-DT allotment facility and another allotment facility for WLFB-DT in Bluefield, WV (Channel 40), with most of the interference coming from the WMYT-DT facility. As indicated in Figure 4, the predicted interference of 183,922 represents 19.1% of the WHKY-DT noise-limited terrain-limited service baseline.

Figure 5 is a map showing the predicted service contour and interference to the proposed WHKY-DT 645-kW peanut directional facility. As indicated there is significant unavoidable predicted interference from the WMYT-DT allotment facility. However, the predicted interference has been shifted further away from the present WHKY-DT allotment footprint.

The net interference that occurs within the WHKY-DT allotment footprint assuming the 645-kW peanut directional proposal is only 66,662 or 6.9% of the original

* The predicted interference to the WMYT-DT allotment facility from the WHKY-DT allotment facility is currently 0.75%. The predicted interference to the WMYT-DT allotment facility from the WHKY-DT proposed 645-kW directional facility is 0.74%. Therefore, the proposal would meet the FCC proposed de minimis interference criteria to WMYT-DT, which stipulates no increase in predicted interference above the 0.5% level.

WHKY-DT allotment. Therefore, the proposed 645-kW peanut directional facility will allow WHKY-DT to recover much of the service area within its present allotment footprint that is now lost to interference from WMYT-DT. And, as previously indicated, the FCC proposed de minimis interference criteria are met with respect to WMYT-DT, all other DTV allotment facilities.

Based on the forgoing, it is requested that 'Appendix B' of the DTV table be amended to read as follows with respect to WHKY-DT:

Facility ID	State and City		NTSC		DTV							
			Chan	Chan	ERP (kW)	HAAT (m)	Antenna ID	Latitude (DDMMSS)	Longitude (DDMMSS)	Area (sq km)	Population (thousand)	% Interference Received
65919	NC	HICKORY	14	40	<u>645</u>	182	<u>67110</u>	354359	811951	<u>12259</u>	<u>1095</u>	<u>27.6</u>

See Figure 3 for additional technical details.



Louis Robert du Treil, Jr., P.E.

du Treil, Lundin & Rackley, Inc.
201 Fletcher Ave.
Sarasota, Florida 34237

October 24, 2007

Figure 1

TV Inquiry

du Treil, Lundin, & Rackley, Inc., Sarasota, Florida



Summary: **Callsign:** WHKY-TV **Channel:** 40 **Offset:** **Service:** DT **Status:** CP MOD **Zone:** 2

Record Type: C **City:** HICKORY **State:** NC **Facility ID:** 65919

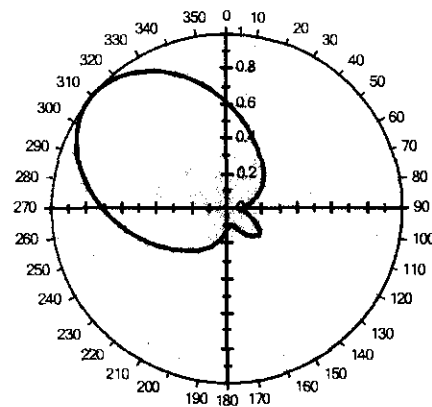
Application File No.: BMPC - 20040716AAE **Application ID:** 1001355

Latitude (NAD 27): 35-43-59.0 N **Latitude (NAD 83):** 035-43-59.48 N **ERP:** 600 kW

Longitude (NAD 27): 081-19-51.0 W **Longitude (NAD 83):** 081-19-50.31 W **RCAMSL:** 497 meters

Antenna Pattern: **Antenna Type:** D **Antenna ID:** 67111 **Antenna Rotation:** 0 deg

0°	0.611	90°	0.094	180°	0.120	270°	0.713
10°	0.517	100°	0.104	190°	0.168	280°	0.815
20°	0.435	110°	0.147	200°	0.221	290°	0.906
30°	0.368	120°	0.202	210°	0.269	300°	0.972
40°	0.316	130°	0.236	220°	0.316	310°	1.000
50°	0.269	140°	0.202	230°	0.368	320°	0.972
60°	0.221	150°	0.147	240°	0.435	330°	0.906
70°	0.168	160°	0.104	250°	0.517	340°	0.815
80°	0.120	170°	0.094	260°	0.611	350°	0.713



Antenna Model: CDB

Note: Rotation or tilt is not applied to the pattern shown

Figure 2

TV Inquiry

du Treil, Lundin, & Rackley, Inc., Sarasota, Florida

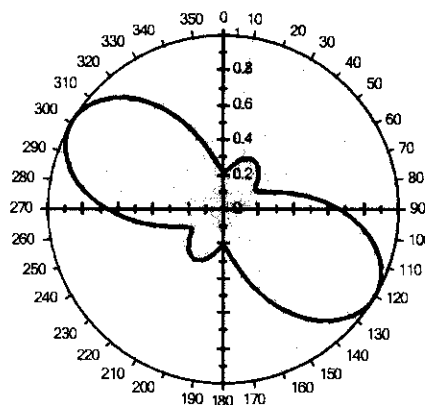


Summary: Callsign: WHKY-TV Channel: 14 Offset: - Service: TV Status: LIC Zone: 2
Record Type: C City: HICKORY State: NC Country: US Border Code:
Facility ID: 65919 Party Name: LONG COMMUNICATIONS, LLC.
Application File No.: BLCT - 20041103AGR Application ID: 1020019 Last Change Date: 8/24/2006

Technical Details: HAAT: 182 meters Polarization: H
Latitude (NAD 27): 35-43-59 N Maximum HAAT: 223 meters
Longitude (NAD 27): 081-19-51 W Height AGL: 140.7 meters Electrical Tilt: 0.75 deg
Overall Height AGL: 147.9 meters Mechanical Tilt: deg
Latitude (NAD 83): 035-43-59.48 N ERP: 2000 kW Mechanical Tilt Azimuth: deg
Longitude (NAD 83): 081-19-50.31 W Maximum ERP: kW Degrees True: deg
RCAMSL: 497 meters Maximum ERP: 33 dBk Antenna Make: AND
Site Elevation AMSL: meters Maximum ERP at any Angle: kW Antenna Model: ATW16H3-HSP5-14

Antenna Pattern: Antenna Type: D Antenna ID: 67110 Antenna Rotation: 0 deg

0° 0.213 90° 0.663 180° 0.213 270° 0.663
10° 0.251 100° 0.838 190° 0.251 280° 0.838
20° 0.309 110° 0.957 200° 0.309 290° 0.957
30° 0.333 120° 1.000 210° 0.333 300° 1.000
40° 0.309 130° 0.957 220° 0.309 310° 0.957
50° 0.251 140° 0.838 230° 0.251 320° 0.838
60° 0.213 150° 0.663 240° 0.213 330° 0.663
70° 0.294 160° 0.467 250° 0.294 340° 0.467
80° 0.467 170° 0.294 260° 0.467 350° 0.294



Standard Pattern:

Antenna Make: AND

Antenna Model: ATW16H3-HSP5-14

Last Change Date:

Note: Rotation or tilt is not applied to the pattern shown

Structure: ASRN: 1019297 FAA Study No.: 97-ASO-0298-OE Structure Height: 135.9 meters
Type: TOWER Date Received: 04/21/1997 Structure Height: 445.9 feet
Latitude (NAD 27): 035-43-58.52 N Date Entered: 04/22/1997 Ground Elevation: 356.3 meters
Longitude (NAD 27): 081-19-50.69 W Date Issued: 05/12/1997 Ground Elevation: 1169.0 feet
Latitude (NAD 83): 35-43-59.0 N Date Constructed: 01/01/1967 Overall Height AGL: 147.9 meters
Longitude (NAD 83): 081-19-50.0 W Date Dismantled: Overall Height AGL: 485.2 feet
Struct. Address: 526 MAIN AVE SE Overall Height AMSL: 504.2 meters
Struct. City: HICKORY Struct. State: NC Overall Height AMSL: 1654.2 feet
Entity Name: LONG FAMILY PARTNERSHIP DBA = WHKY TV

DA Inquiry

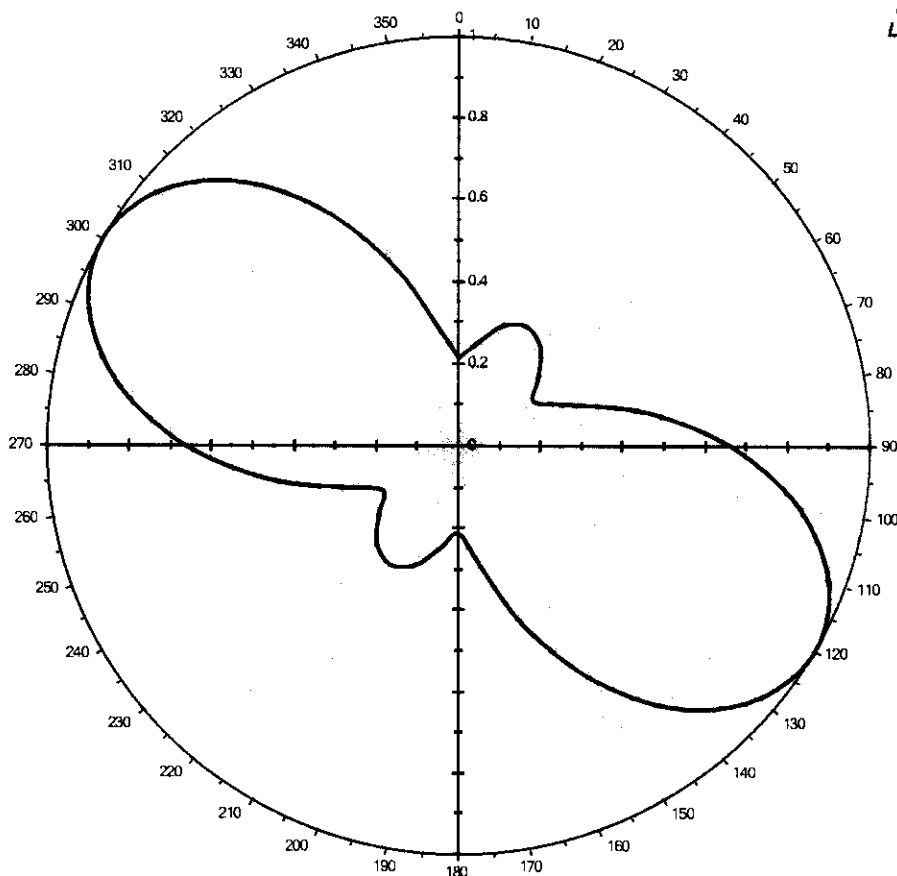
du Treil, Lundin, & Rackley, Inc., Sarasota, Florida

Figure 3



Antenna Pattern: **Antenna ID:** 67110

PROPOSED WHKY-DT
CHANNEL 40
MAX. ERP = 645 KW
R/C AMSL = 497 M
HAAT = 182 M
LAT = 35-43-59 N.L.
LON = 81-19-51 W.L.



Note: display reflects rotation of 0.00°

Antenna Details:

0° 0.213	60° 0.213	120° 1.000	180° 0.213	240° 0.213	300° 1.000
10° 0.251	70° 0.294	130° 0.957	190° 0.251	250° 0.294	310° 0.957
20° 0.309	80° 0.467	140° 0.838	200° 0.309	260° 0.467	320° 0.838
30° 0.333	90° 0.663	150° 0.663	210° 0.333	270° 0.663	330° 0.663
40° 0.309	100° 0.838	160° 0.467	220° 0.309	280° 0.838	340° 0.467
50° 0.251	110° 0.957	170° 0.294	230° 0.251	290° 0.957	350° 0.294

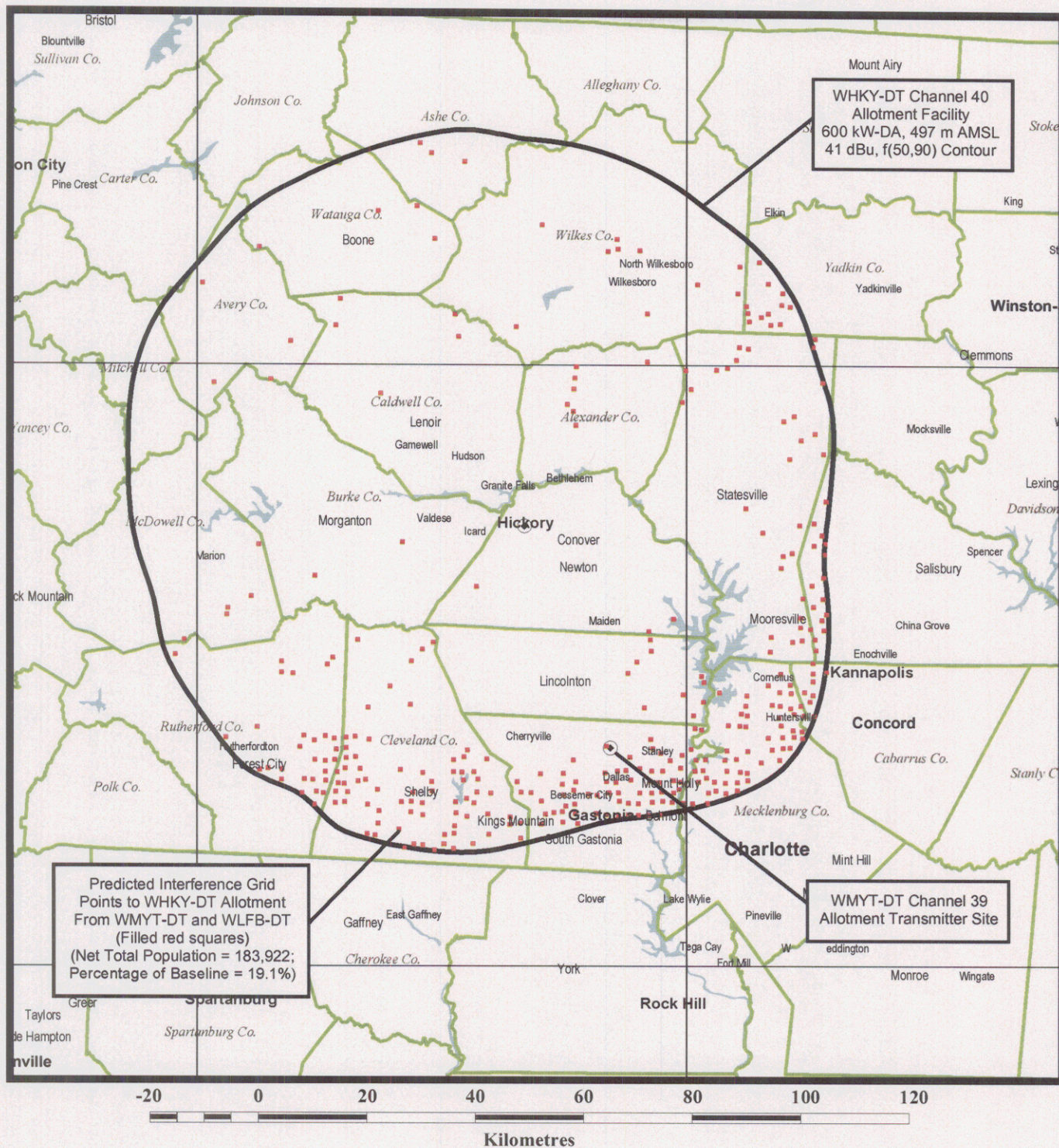
Antenna Make: AND

Standard Pattern:

Antenna Model: ATW16H3-HSP5-14

Last Change Date:

Figure 4



PREDICTED SERVICE AND INTERFERENCE TO WHKY-DT ALLOTMENT FACILITY

duTreil, Lundin & Rackley, Inc. Sarasota, Florida

WMYT-DT Channel 39
Allotment Transmitter Site

Predicted Interference Grid
Points within WHKY-DT and WLB-DT
From WMYT-DT and WLB-DT
(Filled red squares)
(Net Total Population = 66,662;
Percentage of Baseline = 6.9%)

41 dBu, f(50,90) Contour
645 kW-DA, 497 m AMSL
Proposed Facility
WHKY-DT Channel 40

41 dBu, f(50,90) Contour
600 kW-DA, 497 m AMSL
Allotment Facility
WHKY-DT Channel 40

duTreil, Lundin & Rackley, Inc. Sarasota, Florida